

Before the
Administrative Hearing Commission
State of Missouri

STATE BOARD OF NURSING,)	
)	
Petitioner,)	
)	
vs.)	No. 13-1928 BN
)	
STEPHANIE AKERS,)	
)	
Respondent.)	

DEFAULT DECISION

On November 4, 2013, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by personal service on March 17, 2014.

On April 16, 2014, the Board filed a motion for default decision under § 536.063(6),¹ asserting that “it is now more than thirty days since the service of the Complaint upon Respondent and Respondent has failed to file an Answer and therefore has agreed to the facts underlying the Petitioner’s Complaint.”

The Respondent in this case was served on March 17, 2014. The thirtieth day after March 17, 2014, was April 16, 2014. Thus, when the Board filed its motion, “more than thirty days” had not elapsed, and Respondent could still have filed a timely answer.

Under § 536.063.6, however, no motion is required for us to issue a default decision; therefore we issue one in this case.

In accordance with § 621.100.2, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on April 21, 2014.

/s/ Karen A. Winn

KAREN A. WINN
Commissioner

¹ Statutory references are to RSMo Supp. 2013.